

**SUPPRESSED**

**FILED**

**DEC - 7 2016**

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHADI JABER,  
NADI AZAMAT,  
AMMAR HILAL,  
OMAR THAHER, and  
MOHAMMAD LAFI,

Defendants.

No. S1-4:16 CR 430 CDP JMB

**SUPERSEDING INDICTMENT**

**COUNT I**

**(Conspiracy to Traffic in Contraband Cigarettes)**

The Grand Jury charges that:

**BACKGROUND**

At all times relevant to this Indictment,

1. A "cigarette" is defined by Title 18, United States Code, Section 2341(1) as (A) "any roll of tobacco wrapped in paper, or any substance not containing tobacco; and (B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in its filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette."

2. "Contraband cigarettes" is defined by Title 18, United States Code, Section 2341(2) as "a quantity in excess of 10,000 cigarettes which bear no evidence of the payment of applicable state or local cigarette taxes in the state or locality where such cigarettes are found, if the state or local government requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of cigarette taxes,...."

3. Every state in the United States imposes some tax (within a wide range) on the retail sale of cigarettes. Under Illinois state law, an Illinois state tax stamp must be affixed to any original package of cigarettes before a distributor can deliver it to a purchaser. 35 ILCS 130/3. Under Illinois State law, cigarettes that bear a tax stamp of another state are contraband cigarettes. 35 ILCS 130/1. Under Illinois State law, it is unlawful to transport contraband cigarettes into or within the state of Illinois. 35 ILCS 130/9c. The State of Illinois, Cook County, Illinois, and the City of Chicago, require a tax stamp to be affixed to individual cigarette packs as proof of applicable tax payments.

4. It is common for cigarettes to be packaged as follows: 20 cigarettes in a pack, ten packs of cigarettes to a carton; thus a carton contains 200 cigarettes. (50 cartons contain 10,000 cigarettes).

5. There are eight St. Louis and Sam's Club Warehouses (Sam's). For the purposes of this Indictment, the store locations referenced will be referred to as the Ferguson Sam's (10735 West Florissant Avenue, Florissant, Missouri 63136), the Maplewood Sam's (2100 Maplewood Commons Circle, Maplewood, Missouri 63143), and the Crestwood Sam's (10248 Big Bend Road, St. Louis, Missouri 63122).

6. There are several St. Louis area Uncle Bob's Self-Storage Facilities (Uncle Bob's). For the purposes of this Indictment, the facility locations referenced will be referred to as Uncle Bob's Washington Street (450 W. Washington St., Florissant, Missouri 63031) and Uncle Bob's Dunn Road (1475 Dunn Road, Florissant, Missouri 63033).

#### **THE CONSPIRACY**

7. Beginning on an unknown date, but not earlier than April 1, 2016, and continuing until August 30, 2016, in the Eastern District of Missouri, the Southern and Northern Districts of Illinois, and elsewhere,

**SHADI JABER,  
NADI AZAMAT,  
AMMAR HILAL,  
OMAR THAHER, and  
MOHAMMAD LAFI,**

the defendants herein, did knowingly combine, conspire, confederate, and agree, together with Alaa Sammour and with other individuals, known and unknown to this Grand Jury, to knowingly transport, receive, possess, distribute, sell, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 3241, which bore no evidence of the payment of the applicable cigarette taxes in the State of Illinois, contrary to Title 18, United States Code, Section 2342 (a).

**MANNER AND MEANS**

8. The means and methods by which the conspiracy was sought to be accomplished included, among others, the following:

- a. The defendants filed in the State of Missouri for incorporation of a fictitious and non-existent company in the name of S.O.D. Enterprises Inc. to give their illegal activity the appearance of legitimacy.
- b. The defendants obtained a Sam's business membership in the name of S.O.D. Enterprises Inc., to disguise the true nature of their cigarette purchases.
- c. The defendants, acting individually and in concert with each other, purchased State of Missouri tax stamped cigarettes from St. Louis, Missouri area Sam's on a nearly daily basis.
- d. The defendants, after purchasing State of Missouri tax stamped cigarettes, temporarily stored them in storage units at St. Louis area Uncle Bob's Storage Facilities.



e. The defendants, after collecting the State of Missouri tax stamped cigarettes from the storage units, transported them by rented or personally owned vehicles to the Chicago, Illinois area.

f. The defendants, after transporting the State of Missouri tax stamped cigarettes to the Chicago, Illinois area, sold them to local distributors without affixing State of Illinois tax stamps to the cigarettes.

g. The defendants transported the currency obtained by selling Missouri tax stamped cigarettes in Chicago, Illinois to St. Louis, Missouri, a portion of which was utilized to purchase more cigarettes for illegal distribution.

#### **OVERT ACTS**

9. In furtherance of the conspiracy and to effect the objects of the conspiracy, the defendants committed and caused the following overt acts:

a. On or about April 11, 2016, Shadi Jaber leased storage unit 580 at Uncle Bob's Washington Street.

b. On or about May 17, 2016, Shadi Jaber purchased 203 cartons of Newport brand Missouri tax stamped cigarettes at Ferguson Sam's using the S.O.D. business membership.

c. On or about May 18, 2016, Shadi Jaber purchased 671 cartons of Missouri tax stamped cigarettes, 497 cartons of which were Newport brand, at Maplewood Sam's and 206 cartons of Newport brand Missouri tax stamped cigarettes at Ferguson Sam's, using the S.O.D. business membership.

d. On or about May 19, 2016, Shadi Jaber purchased 205 cartons of Newport brand Missouri tax stamped cigarettes at Crestwood Sam's and 641 cartons of Missouri tax stamped cigarettes, 488 of which were Newport brand, at Maplewood Sam's, and 211 cartons of Missouri

tax stamped cigarettes, 150 of which were Newport brand, at Ferguson Sam's, using the S.O.D. business membership.

e. On or about May 20, 2016, Shadi Jaber purchased, and Ammar Hilal assisted in the purchase of, 277 cartons of Missouri tax stamped cigarettes, 205 of which were Newport brand, at Crestwood Sam's and 480 cartons of Newport brand Missouri tax stamped cigarettes at Maplewood Sam's, using the S.O.D. business membership.

f. On or about June 24, 2016, Ammar Hilal leased storage unit 752 at Uncle Bob's Washington Street.

g. On or about June 30, 2016, Shadi Jaber purchased, and Mohammad Lafi assisted in the purchase of, 206 cartons of Newport brand Missouri tax stamped cigarettes at Ferguson Sam's and 416 cartons of Newport brand Missouri tax stamped cigarettes at Maplewood Sam's, using the S.O.D. business membership.

h. On or about June 30, 2016, Shadi Jaber purchased 761 cartons of Missouri tax stamped cigarettes, 451 cartons of which were Newport brand, at Crestwood Sam's using the S.O.D. business membership.

i. On or about June 30, 2016, Shadi Jaber, returning to Maplewood Sam's, purchased, and Mohammad Lafi assisted in the purchase of, 240 cartons of Missouri tax stamped cigarettes, 38 cartons of which were Newport brand, using the S.O.D. business membership.

j. On or about June 30, 2016, Ammar Hilal took possession of a rental Dodge Caravan minivan loaded with 1,128 cartons of Missouri tax stamped cigarettes some of which had been purchased previously that day by Shadi Jaber and Mohammad Lafi, and traveled from St. Louis, Missouri into the State of Illinois.

k. On or about July 28, 2016, Omar Thaher leased storage unit 2019 at Uncle Bob's Dunn Road.

l. On or about August 9, 2016, Shadi Jaber purchased 828 cartons of Missouri tax stamped cigarettes, 753 cartons of which were Newport brand, at Crestwood Sam's using the S.O.D. business membership.

m. On or about August 9, 2016, Mohammad Lafi purchased 206 cartons of Newport brand Missouri tax stamped cigarettes at Maplewood Sam's and 206 cartons of Newport brand Missouri tax stamped cigarettes at Ferguson Sam's and 206 cartons of Newport brand Missouri tax stamped cigarettes again at Maplewood Sam's, using the S.O.D. business membership.

n. On or about August 9, 2016, Mohammad Lafi, driving a rental Town and Country minivan, delivered the cigarettes purchased that day to storage unit 2019 at Uncle Bob's Dunn Road, where he was met by Shadi Jaber. Shadi Jaber, driving his personally owned Town and Country minivan, and Mohammad Lafi, driving the rental van, then left Uncle Bob's Dunn Road and traveled to a nearby gas station. There they met Nadi Azamat who was driving a Hyundai Sonata. Nadi Azamat and Mohammad Lafi switched vehicles. Nadi Azamat, driving the rental van loaded with 1,133 cartons of Missouri tax stamped cigarettes, traveled into the State of Illinois.

o. On or about August 30, 2016, Omar Thaher purchased 206 cartons of Newport brand Missouri tax stamped cigarettes at Ferguson Sam's using the S.O.D. business membership.

p. On or about August 30, 2016, Omar Thaher, after making this purchase, drove in a Hyundai Sonata to Uncle Bob's Dunn Road where Nadi Azamat unloaded the cigarettes from the Hyundai Sonata into storage unit 2019.

q. On or about August 30, 2016, Omar Thaher purchased 206 cartons of Newport brand Missouri tax stamped cigarettes at Maplewood Sam's using the S.O.D. business membership.



r. On or about August 30, 2016, Shadi Jaber purchased 386 cartons of Missouri tax stamped cigarettes, 240 of which were Newport brand, at Crestwood Sam's using the S.O.D. business membership.

s. On or about August 30, 2016, Shadi Jaber purchased 206 cartons of Newport brand Missouri tax stamped cigarettes at Maplewood Sam's using the S.O.D. business membership.

t. On or about August 30, 2016, Shadi Jaber driving a Chrysler Town and Country minivan, and Omar Thaher driving a Hyundai Sonata, delivered the cigarettes purchased that day to storage unit 2019 at Uncle Bob's Dunn Road.

u. On or about August 30, 2016, Shadi Jaber, Nadi Azamat, and Alaa Sammour loaded the Chrysler Town and Country minivan at Uncle Bob's Dunn Road with 1,045 cartons of Missouri tax stamped cigarettes.

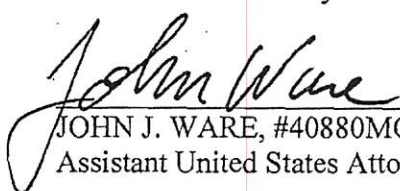
v. On or about August 30, 2016, Alaa Sammour, driving the Chrysler Town and Country minivan, left Uncle Bob's Dunn Road, dropped Shadi Jaber and Nadi Azamat at a hotel, and then traveled into the State of Illinois.

All in violation of, and punishable under, Title 18, United States Code, Section 371.

A TRUE BILL.

  
FOREPERSON

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